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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 7296 of 2007

PETITIONERS

1. Devi Prasad Pandey, S/o Bhulau Prasad Pandey, aged about 47 years, Assistant Teacher, High School Barpali, Champa, Block Bamhanidih, District Janjgir-Champa (C.G.)
2. Dau Lal Rathore, S/o Shri Ramdhan Rathore, aged about 46 years, Asst. Teacher, Govt. Middle School Banari, Block Navagarh, Distt. Janjgir-Champa (C.G.)
3. Ambikesh Dutt Pandey, S/o Shri Babulal Pandey, aged about 45 years, Govt. Primary School Gaushala Naila, Block Navagarh, District Janjgir-Champa (C.G.)
4. Rajkumar Dwivedi, S/o Prahlad Prasad Dwivedi, aged about 48 years, Asst. Teacher, Govt. Primary School Mahant, Block Navagarh, District Janjgir-Champa (C.G.)
5. Shivnarayan Dubey S/o Shri Badri Prasad Dubey, aged bout 50 years, Asstt. Teacher, Govt. Primary School, Rasauta, Block Baloda, District Jangjir-Champa (C.G.)
6. Kamal Kumar Gauraha, S/o Shri Narayan Prasad, aged about 47 years, Asst. Teacher, Govt. High School Dhurkot, Block Navagarh, District Jangjir-Champa (C.G.)

Versus

RESPONDENTS

1 State of Chhattisgarh, Through Secretary, Department of Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2 The District Education Officer, District Janjgir-Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Bhupenda Singh, Counsel for the petitioners.

Ms. Sunita Jain, Panel Lawyer for the State on advance copy.

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ORAL ORDER
(10.12.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

Shyna

27/12/07